

**REMARKS**

Claims 1-4 and 6-11 are pending in the present application. Claims 1, 2 and 6 are independent claims. Claims 6-11 stand withdrawn. By this Amendment, claim 5 is cancelled without prejudice or disclaimer and claims 1-4 are amended. Support for the amendments may be found at least at page 18, lines 15-19 and page 20, lines 6-17. Thus, no new matter is added.

**Rejections under 35 USC §112**

Claims 1-5 are rejected under 35 USC §112, first paragraph, for allegedly reciting subject matter not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor had possession of the claimed invention. Specifically, it is alleged that there is no support in the specification for “receives oil level information from the sensing device” recited at line 15 of claim 1. However, as claim 1 does not have a line 15 and the claim does not recite such a feature, withdrawal of the rejection is respectfully requested. It is further alleged that the recitation of “by the drive mechanism” of claim 2, line 2, is new matter. However, claim 2 does not recite the alleged feature.

As the claims do not recite the features as alleged in the Office Action, withdrawal of the rejection is respectfully requested.

**Double Patenting Rejection**

Claims 1-5 are rejected on the grounds of non-statutory obviousness-type double patenting over the claims of US Patent 6,029,563 to Nakagawa et al. (Nakagawa). The rejection is respectfully traversed.

Applicants respectfully remind the Examiner that when making an obviousness-type double patenting rejection the Examiner should make clear (a) the differences between the inventions defined by conflicting claims, a claim in the patent compared to a claim in the application, and (b) the reasons why a person of ordinary skill in the art would conclude the invention defined in the claim at issue is an obvious variation of the invention defined in the claim of the patent (MPEP §804). Applicants respectfully submit that neither of the above requirements of patent examination have been met and therefore the rejection is improper and should be withdrawn.

Further, the rejection fails to comply with 37 CFR §1.104 which requires that the particular part relied on in a reference as corresponding structure must be designated as nearly as practicable (see also MPEP 706.02(j)). However, in the present Office Action, no structure is identified in Nakagawa as either anticipating the claim elements or render the combination elements obvious. Rather, the Office Action merely makes the conclusory statement that “although the conflicting claims are not identical, they are not patentably distinct from each other because they are merely an obvious variation of the other set of claims.”

Although Applicant traverses the double patenting rejection, in an effort to expedite prosecution of this application, independent claims 1 and 2 are amended to describe further distinctions over the applied reference.

For example, Nakagawa fails to disclose or suggest a stirrer includes a blade mounted on a bottom of the container and a rotating member for rotating the blade, and the central control section is configured to cause the stirring control section to execute such a control that the number of revolutions of the blade per given time is smaller at mixing the breadmaking ingredients to ensure that powdery components are prevented from flying.

Nakagawa relates to a cooking machine which has: a cooking vessel removably provided in a case cavity and having an open top; a rotary shaft extending through a bottom of the cooking vessel and having an upper end to be fitted with an agitator blade; a driving mechanism provided below the cooking vessel for rotatively driving the rotary shaft of the cooking vessel; a heater provided in the case cavity for adjusting an ambient temperature within the case cavity; and a steam generating mechanism for supplying steam into the cooking vessel. The cooking machine selectively performs a kneading process for kneading an ingredient put in the cooking vessel, a shaping/fermenting process for allowing an ingredient to expand to a predetermined level in the cooking vessel, a baking process for baking an ingredient, and a steaming process for steaming an ingredient in the cooking vessel.

In Nakagawa, a management means controls operations of the respective components to perform a plurality of cooking processes (claim 1). Specifically, as recited in dependent claim 2 of Nakagawa, the management means controls the operations of the respective components to

selectively perform a kneading process for kneading an ingredient put in the cooking vessel, a shaping/fermenting process for allowing an ingredient to expand to a predetermined level in the cooking vessel, a baking process for baking an ingredient, and a steaming process for steaming an ingredient put in the cooking vessel.

Nakagawa also describes that the recognizes the state of the lid sensed by the lid state sensing mechanism when performing the steam cooking process or the bread making process, and prohibits the steam cooking process or the bread making process depending on the open/close state of the lid (claim 12). Thus, there is nothing in Nakagawa that discloses or suggests, a central control section configured to control the stirring control section and the temperature control section to mix breadmaking ingredients containing rice flour by stirring the breadmaking ingredients for a shorter time than at kneading the breadmaking ingredients performed after mixing the breadmaking ingredients to promote the rice flour to hydrate without raising the viscosity of the breadmaking ingredients, and that the stirrer includes a blade mounted on a bottom of the container and a rotating member for rotating the blade, and the central control section further configured to cause the stirring control section to execute such a control that the number of revolutions of the blade per given time is smaller at mixing the breadmaking ingredients to ensure that powdery components are prevented from flying. Accordingly, withdrawal of the rejection is respectfully requested.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

  
HARNESS, DICKEY & PIERCE, PLC

By \_\_\_\_\_

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